FOR UTILITY/DESIGN CIP/PCT NATIONAL/PLANT ORIGINAL/SUBSTITUTE/SUPPLEMENTAL **DECLARATIONS**

RULE 63 (37 C.F.R. 1.63) DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CUSHMAN FORM

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the INVENTION ENTITLED ASYMMETRIC HYBRID ACCESS

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	•	ich (CHECK applicable	BOX(ES))						
→ X →	☐ is attached here ☒ was filed on	reto. April 21, 1995	•	as U.S. Application	No. 08/4	126,920 (now l	J.S. Pat. 5.5	86.121)	
	BOX(ES) ☐ was filed as PCT International Application No.			PCT/US/96/05453			ril 19, 1996		
		CT application) was am		July 29, 1996 (US)) August 12		·····		
I hereby state that I above. I acknowled under 35 U.S.C. 11 inventor's certificate	have reviewed and u dge the duty to disclos 9/365 of any foreign a e filed by me or my as	nderstand the contents of the all information known to repplication(s) for patent or insignee disclosing the subjected, before the filing date of	he above identifi me to be materia nventor's certifica ct matter claime	ed specification, includ al to patentability as def ate listed below and ha d in this application and	ling the claims, fined in 37 C.F ve also identifi	as amended by .R. 1.56. I hereb	oy claim foreigr reign applicatio	n priority ben on for patent	nefits or
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date, citizenship, residence and address.)

DECLARATION AND POWER OF ATTORNEY (continued) ADDITIONAL INVENTORS

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SOLE/JOINT

As a below named inventor, I hereby declare: THAT I verily believe I am the original, first and sole (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the invention described and claimed in United States Application No.08/426,920, filed on April 21, 1995 and entitled:

ASYMMETRIC HYBRID ACCESS SYSTEM AND METHOD (now U.S. Patent 5,586,121) that the subject matter of claim(s) Nos. 1-61 of U.S. Patent 5,586,121 per Amendment filed_ x one) [] box only) as allowed was part of my or our invention and was invented before the filing of the original application, above identified, and of its parent application(s) (if this is a continuing application thereof) for such invention; that I have reviewed and understand the contents of the specification, including (to the best of my ability) the claim(s), as above amended/allowed; that I acknowledged my duty to disclose all information known to me to be material to patentability of this application (including, if this is a CIP, in so far as the subject matter disclosed and claimed in this application is in addition to that disclosed in said parent application(s), my duty to disclose all information known to me to be material to patentability which became available between the filing date of said parent application(s) and the national or international filing date of this application) in accordance with 37 C.F.R. 1.56. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon! Inventor's Signature_ Inventor's Name(typed) Eduardo MOURA First Middle Initial Family Name Inventor's Signature Inventor's Name(typed)_J GRONSKI Family Inventor's Signature Date Inventor's Name(typed) Robert Midele Initial Family, Name Date 2 (4) Inventor's Signature Inventor's Name(typed) Frederick **ENNS** Middle Initial Family Name Inventor's Signature LUXENBERG Inventor's Name(typed) Rober Middle Initial First Family Name



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Rule 56(a) & (b) = 37 C.F.R. 1.56(a) & (b) PATENT AND TRADEMARK CASES - RULES OF PRACTICE DUTY OF DISCLOSURE

(a) ... Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the [Patent and Trademark] Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability...(b) information is material to patentability when it is not cumulative and (1) It also establishes by itself, or in combination with other information, a prima facie case of unpatentability of a claim or (2) refers, or is inconsistent with, a position the applicant takes in: (i) Opposing an argument of unpatentability relied on by the Office, or (ii) Asserting an argument of patentability

PATENT LAWS 35 U.S.C.

§102. Conditions for patentability; novelty and loss of right to patent

A person shall be entitled to a patent unless-

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent or
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or
- (c) he has abandoned the invention, or
- (d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months* before the filing of the application in the United States, or
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent, or
- (f) he did not himself invent the subject matter sought to be patented, or
- (g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

§103. Condition for patentability; non-obvious subject matter

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made. Subject matter developed by another person, which qualified as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person

^{*} Six months for Design Applications (35 U.S.C. 172).